

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The Application of:

SCOTT BUSHMAN
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EDWARD C. STEWART
CURTIS WARREN DOSS

Serial No.: 09/851,900

Filed: May 9, 2001

For: METHOD AND APPARATUS FOR
CONTROLLING FOCUS BASED ON A
THICKNESS OF A LAYER OF
PHOTORESIST

Group Art Unit: 1756

Examiner: CHRISTOPHER G. YOUNG

Atty. Dkt. No.: 2000.042200/TT3165

1756
12/3/02
#3 election

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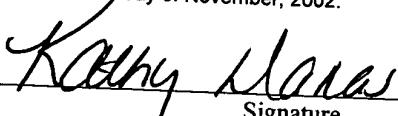
**RESPONSE TO RESTRICTION
REQUIREMENT DATED NOVEMBER 5, 2002**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" addressed to: Assistant Commissioner for Patents, Washington, DC 20231, this 19th day of November, 2002.


Signature

This paper is submitted in response to the Restriction Requirement dated November 5, 2002 for which the date for response is December 5, 2002.

In response to the restriction requirement that the Examiner imposed, Applicants elect, with traverse, to prosecute claims 1-11, i.e., the Group I claims.

MPEP § 806.05(e) sets forth requirements for restricting a process and an apparatus for its practice. Claim 12 is a claim to "means" for practicing the process claims set forth in the

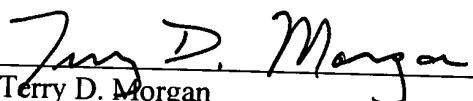
Group I claims. According to MPEP § 806.05(e), a "means" claim is a linking claim and must be examined with the elected invention. If it is ultimately allowed, rejoinder is required. See MPEP § 809.04. Claim 12 satisfies the criteria set forth in MPEP 806.05(e) as a linking claim, and it therefore entitled to examination with the elected Group I claims. If it is ultimately allowed, rejoinder is required. See MPEP § 809.04. Applicant hereby requests that claim 12 be included in the elected Group I claims.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Assistant Commissioner is authorized to deduct said fees from Advanced Micro Devices, Inc. Deposit Account No. 01-0365/TT3165.

The Examiner is invited to contact the undersigned attorney at (713) 934-4050 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: November 19, 2002


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